

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

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UNITED STATES OF AMERICA

v.

AMENDED ORDER SETTING CONDITIONS  
OF RELEASE

Krystal Lee Finnley

Case Number: CR 11-265 HA

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violations of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C § 14135a.
- (3) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as directed by U.S. District Court.

**Additional Conditions of Release**

IT IS FURTHER ORDERED that the defendant be released provided that the defendant:

- Reside at a community corrections center until otherwise notified by U.S. Pretrial Services.
- Participate in a mental health evaluation and counseling at the direction of U.S. Pretrial Services. The defendant is also to take all medications as prescribed and participate in medication monitoring if directed by Pretrial Services.
- Travel to Warm Springs Indian reservation is prohibited unless prior approval is granted by U.S. Pretrial Services.
- Do not change place of residence without the prior approval of U.S. Pretrial Services.
- Refrain from any use, possession or consumption of alcohol. To ensure compliance with the restriction on alcohol use, submit to random body substance tests, including breath, blood and urinalysis as directed by Pretrial Services.
- Refrain from any use, consumption or possession of any controlled substance in any form, under any circumstances, unless lawfully prescribed in writing by a licensed medical provider. A copy of the original written prescription must be shown to the U.S. Pretrial Services Officer within 10 days after defendant receives the written prescription. Defendant must also provide the U.S. Pretrial Services Officer with a list of all medication, including over-the-counter and supplements, being taken that might produce a positive result on a urinalysis test. To ensure compliance with the restriction on controlled substance use, the defendant shall submit to body substance tests, including breath, blood and urinalysis as may be requested by the U.S. Pretrial Services Officer. Should results indicate the use of controlled substances, the defendant shall undergo drug counseling as directed by Pretrial Services.
- Find and maintain gainful full-time employment, approved schooling or a full-time combination of both.
- Report as directed by the U.S. Pretrial Services office.
- The defendant is to pay a percentage of all fees for services obtained while under Pretrial Services Supervision.
- Avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: Jasper Smith.
- Undergo drug/alcohol counseling as directed by U.S. Pretrial Services.

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine

or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for no more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for no more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned no more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

#### **Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Kaystal Lee Hinckley

Signature of Defendant

Warm Springs, OR 97761

City, State & Zip

#### **Special Needs Finding:**

Based upon the above conditions, including the conditions relating to:

Alcohol detection  
 Drug detection  
 Computer monitoring

The Court is reasonably assured the defendant will appear as directed and not pose a danger to the community or any other person.

#### **Directions to the United States Marshal**

The defendant is ORDERED released after processing.  
 The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk, Pretrial Services or judicial officer that the defendant has posted bond and/or complied with all other conditions for release including space availability at a community corrections center or residential treatment facility. If still in custody, the defendant shall be produced before the duty Magistrate Judge on \_\_\_\_\_ at \_\_\_\_\_.

Date: September 14, 2011

Janice M. Stewart

Signature of Judicial Officer

**Janice M. Stewart,  
U.S. Magistrate Judge**

Name and Title of Judicial Officer

cc:      Defendant  
       US Attorney  
       US Marshal  
       Pretrial Services